

REMARKS

Claims 32-45, 48 and 57 are pending in the application.

Claims 32, 33, 35, 44, 48 and 57 are rejected. Claims 34, 36-43 and 45 are objected to as being dependent upon a rejected base claim.

Applicants note with appreciation the indication that claims 34, 36-43 and 45 would be allowable if rewritten in independent form. However, while Applicants respectfully submit that all pending claims are patentable over Redding and Fues, Applicants nevertheless have amended claim 32 and claims depending thereon to clarify and further indicate that the polymeric waxes comprising the reaction product of a polybasic acid or derivative thereof, a fatty acid and a polyol comprise an aliphatic polyester backbone having fatty acid ester groups pending therefrom. Support for the amendment is found at page 5, lines 7-10.

Claims 32, 33, 44 and 57 are rejected under 35 U.S.C. 102(a,e) over Redding et al (US 6,110,501). Applicants respectfully traverse.

Redding discloses microcapsules for use in tablets. The microcapsules are seeded to increase the physical strength of the shell. The shell "may" include a coating comprising a vegetable-derived wax (Col. 4, ll 19-47). Applicants respectfully submit that the vegetable-derived waxes disclosed by Redding are not a polymeric wax that is the reaction product of a polybasic acid or derivative thereof, a fatty acid and a polyol, and do not include an aliphatic polyester backbone having fatty acid ester groups pending from the backbone, as claimed by Applicants. Accordingly, Applicants respectfully submit that Redding fails to disclose or suggest polymeric waxes comprising an aliphatic polyester backbone with fatty acid groups pending from the backbone.

Claims 32, 33, 35, 44, 48 and 57 are rejected under 35 U.S.C. 102(b) over Fues et al (US 5,308,623). Applicants respectfully traverse.

Fues discloses resorbable waxes that are oligomers of glycolic or lactic acid that have been initiated via monoglycerides or glycerols to regulate molecular weight (See for instance Col. 5, ll 3-9, the examples and elsewhere in the specification). Thus, the oligomer "backbone" comprises glycolic or lactic acid moieties, not an aliphatic polyester. In addition, the residual initiators used to regulate molecular weight are located at the terminus of the oligomer glycolic or lactic backbone, as opposed to pending from the backbone itself. As such, Applicants respectfully submit

that Fues fails to disclose or suggest polymeric waxes comprising an aliphatic polyester backbone with fatty acid groups pending from the backbone.

Based on all of the foregoing Applicants respectfully submit that neither Redding nor Fues anticipates any of the pending claims, request that the rejections of claims under 35 U.S.C. 102 (a, b, e) be withdrawn and earnestly request a notice of allowance to that affect.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'William K. Wissing', written in a cursive style.

William K. Wissing
Attorney for Applicant(s)
Registration No. 34,757

Johnson & Johnson

One Johnson & Johnson Plaza

New Brunswick, NJ 08933

732.524.6201

Dated: June 29, 2004